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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DIESEL PROPS S.R.L. and  
DIESEL KID S.R.L.,

Plaintiffs/Counter-Defendants,

-against-

GREYSTONE BUSINESS CREDIT II LLC  
and GLOBAL BRAND MARKETING INC.,

Defendants/Counter-Plaintiffs,

-against-

DIESEL S.p.A.,

Third-Party Defendant.

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Civil Action No.  
07 CV 9580 (HB)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT upon the accompanying Memorandum in Support of Motion to Dismiss and exhibits referenced therein, the Declaration of Carlo Pascotto, the Declaration of Ira S. Sacks in Support of Motion to Dismiss and the exhibit annexed thereto, and the pleadings and all prior proceedings had herein, Plaintiffs Diesel Props S.R.L. (“Props”) and Diesel Kid S.R.L. (“Kid”), by and through their attorneys, Dreier LLP, hereby move (the “Motion”) this Court before the Honorable Harold Baer, Jr., United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at such time as the Court directs, for (a) an order pursuant to

Rules 12(b), 12(b)(1) and/or 12(b)(3) of the Federal Rules of Civil Procedure, and/or this Court's authority to decline jurisdiction, dismissing the counterclaims filed by Defendant Global Brand Marketing Inc. ("GBMI") in the above-captioned action because applicable forum selection clauses mandate that such counterclaims be brought in Milan, Italy, and/or (b) an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the counterclaims filed by GBMI for failure to state a claim against Props and Kid upon which relief may be granted, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE THAT Props respectfully requests this Court to accept for filing "under seal" Exhibit A of the accompanying Declaration of Ira S. Sacks because Exhibit A contains confidential financial and business information of Props entitled to protection from public disclosure.

Dated: New York, New York  
January 22, 2008

**DREIER LLP**

By: s/ Ira S. Sacks  
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